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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/663,759

Applicant(s)

PIERRE ET AL..PN.

Examiner

Christopher O. Onuaku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-10,12-15 and 21 is/are rejected.
- 7) ☒ Claim(s) 3,5,6,11 and 16-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2&13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Del Sesto et al (US 6,530,082).

Regarding claim 1, Del Sesto et al disclose systems and methods for determining television and interactive application viewership, including systems and methods for selectively controlling the monitoring of such viewership and usage on a program specific level, comprising the method of:

a) receiving a broadcast signal, wherein the broadcast signal contains a program and wherein the program contains one or more interactive applications (see col.6, line 66 to col.7, line 50 and col.8, lines 27-50);

b) storing the program on a storage device (see col.8, line 51 to col.9, line 15);

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c) initiating playback of the program from the storage device, and launching a 'first' interactive of the one or more interactive applications during the playback of the program (see col.9, lines 16-65).

Regarding claim 2, Del Sesto et al discloses the method wherein the program is stored on the storage device as it is received, wherein detecting the 'first' interactive application comprises detecting the 'first' application is available from an interactive data stream of the program during playback (see col.9, lines 16-65; and col.13, lines 31 to col.14, line 12).

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claim 1 above, including the receiving means (see Fig.1&2; broadcast receiver 120, the storage device 212).

Regarding claim 14, Look et al further teach comprising the receiver is configured to be coupled to an interactive television system, wherein the receiver is configured to receive the program data from the interactive television system, and wherein the receiver is configured to store the program data in the storage device (see claims 1&4 discussions above; also see col.7, lines 23-67).

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claims 1,13&14 above

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4,7-10,12&21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Sesto et al in view of Look et al (US 6,757,906).

Regarding claim 4, the claimed limitations of claim 4 are accommodated in the discussions of claim 1 above except such limitations as initiating a special play mode of the program and conveying a notification signal to the interactive application during special play mode. Look et al teach interactive display of viewer information in a computer environment, including interactive user interfaces combining video graphics in a computer environment comprising a mode indicator 2606, a trick play bar 2601. The trick play bar visually informs the user of the size of the program cache, and if the cache is not of capacity, how much of the cache is filled, and the mode indicator 2606 displays whether the user is in play, record, pause, slow play, fast play, fast forward, slow reverse and fast reverse modes (see col.19, lines 12-65 and col21, lines 15-58). It would have been obvious to initiate a special play mode of the program and convey a notification signal to the interactive application during special play mode since provides the desirable advantage of executing a special play of a program and indicating the mode of special play of the program being executed.

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Regarding claim 7, Look et al further teach the method wherein one or more of the notification signals are selected from the group consisting of: application kill signals, application launch signals, application pause signals, application resume signals, trick mode start notifications, trick mode notifications, seek notifications, module notifications, trigger notifications, and accelerated version notifications (see col.9, lines 38-57; col.10, lines 41-50; col.19, line 39 to col.20, line 17).

Regarding claim 8, Look et al further teach the method wherein the interactive application receiving an indication of a current position in the program and setting the internal state of the interactive application to correspond to the current position (see col.19, lines 39-65).

Regarding claim 9, Look et al further teach the method wherein the application receives the indication of the current position in the program while the program is in the special play mode (see col.19, lines 39-51).

Regarding claim 10, Look et al further teach the method comprising initiating a special play mode of the program, conveying a kill (stop) signal to the interactive application in the program, terminating the special play mode and launching an interactive application in response to detecting the interactive application is available (see col.21, lines 15-58).

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Regarding claim 12, Look et al further teach the method comprising broadcasting the program, receiving the program and storing the program on the storage device (see col.4, line 52 to col.5, line 24).

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 4 above.

Allowable Subject Matter

5. Claims 3,5,6,11&16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3, the invention relates to broadcast television systems, including a system and method for playing back program which have been stored on the storage device of an iterative television system receiver, wherein the programs contain one or more interactive applications.

The closest references Del Sesto et al (US 6,530,082) disclose systems and methods for determining television and interactive application viewership, including systems and methods for selectively controlling the monitoring of such viewership and usage on a program specific level, and of Look et al (US 6,757,906) teach interactive

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display of viewer information in a computer environment, including interactive user interfaces combining video graphics in a computer environment.

However, Del Sesto et al and Look et al fail to explicitly disclose a method wherein storing the program includes storing an interactive application data stream of the program, wherein the storing of the data stream comprises extracting from the program one or more data objects and storing the data objects on the storage device as a set of files, wherein initiating playback of the data stream comprises retrieving one or more of the set of files from the storage device and wherein detecting the one of the one or more interactive applications comprises comparing a validity range associated with the one of the one or more applications to a current playback index and determining that the current playback index is within the validity range.

Regarding claim 11, the invention relates to broadcast television systems, including a system and method for playing back program which have been stored on the storage device of an iterative television system receiver, wherein the programs contain one or more interactive applications.

The closest references Del Sesto et al (US 6,530,082) disclose systems and methods for determining television and interactive application viewership, including systems and methods for selectively controlling the monitoring of such viewership and usage on a program specific level, and of Look et al (US 6,757,906) teach interactive display of viewer information in a computer environment, including interactive user interfaces combining video graphics in a computer environment.

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However, Del Sesto et al and Look et al fail to explicitly disclose a method indicating to a receiver on which the interactive application is executing whether the interactive application is configured to operate when a special play mode is initiated, notifying the interactive application of the special mode in response to detecting the interactive application is configured to operate during the special play mode, and terminating the interactive application when the special play mode is used in response to detecting the interactive application is not configured to operate during the special play mode.

Regarding claim 16, the invention relates to broadcast television systems, including a system and method for playing back program which have been stored on the storage device of an iterative television system receiver, wherein the programs contain one or more interactive applications.

The closest references Del Sesto et al (US 6,530,082) disclose systems and methods for determining television and interactive application viewership, including systems and methods for selectively controlling the monitoring of such viewership and usage on a program specific level, and of Look et al (US 6,757,906) teach interactive display of viewer information in a computer environment, including interactive user interfaces combining video graphics in a computer environment.

However, Del Sesto et al and Look et al fail to explicitly disclose a device, where the device comprises wherein the storage device is configured to store the program data stream as a set of files, wherein the receiver is configured to retrieve one of the set

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of files containing interactive applications, wherein the receiver is configured to compare validity ranges associated with the interactive applications to a current playback index, and wherein the receiver is configured to launch one of the interactive applications for which the associated validity range includes the current playback index.

Regarding claim 17, the invention relates to broadcast television systems, including a system and method for playing back program which have been stored on the storage device of an iterative television system receiver, wherein the programs contain one or more interactive applications.

The closest references Del Sesto et al (US 6,530,082) disclose systems and methods for determining television and interactive application viewership, including systems and methods for selectively controlling the monitoring of such viewership and usage on a program specific level, and of Look et al (US 6,757,906) teach interactive display of viewer information in a computer environment, including interactive user interfaces combining video graphics in a computer environment.

However, Del Sesto et al and Look et al fail to explicitly disclose a device, where the device comprises wherein the receiver is configured to playback the program using special playback mode between a first playback index and a second playback index, wherein the receiver is configured to determine whether one of more events affecting the state of the program would be encountered in a normal playback mode between the first playback index and the second playback index, wherein if the one or more events would be encountered in the normal playback mode, the receiver is configured to

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generate one or more signals indicative of the one or more events and to provide the one or more signals to the program..

Regarding claim 18, the invention relates to broadcast television systems, including a system and method for playing back program which have been stored on the storage device of an iterative television system receiver, wherein the programs contain one or more interactive applications.

The closest references Del Sesto et al (US 6,530,082) disclose systems and methods for determining television and interactive application viewership, including systems and methods for selectively controlling the monitoring of such viewership and usage on a program specific level, and of Look et al (US 6,757,906) teach interactive display of viewer information in a computer environment, including interactive user interfaces combining video graphics in a computer environment.

However, Del Sesto et al and Look et al fail to explicitly disclose a device, where the device comprises wherein the receiver is configured to receive a notification from a first interactive application of the one or more interactive applications indicating whether the first interactive application is configured to operate in special playback modes, wherein if the first interactive application is configured to operate in special playback modes, the receiver is configured to provide a notification of the special playback mode to the first interactive application when the special playback mode is used, and wherein if the first interactive application is not configured to operate in special playback modes, the

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receiver is configured to terminate the first interactive application when the special playback mode is used.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Billock et al (US 6,314,575) teach telecasting systems that provide video programs which may be viewed on conventional television or other suitable video monitors, including telecasting service that provides video programs upon viewer demand, and which includes an interactive interface for facilitating viewer selection of video programs.

Schein et al (US 6,002,394) teach systems and methods for providing information to television viewers, including systems and methods for allowing the viewer to retrieve, search, select, and interact with television schedule information located in a remote database, computer network or on-line service, e.g., a network server on the Internet or World Wide Web.

Darbee et al (US 6,130,726) teach systems and methods for providing graphic program scheduling and/or advertising information on a remote control display and systems and methods for monitoring and analyzing user viewing habits and, thereafter, tailoring programming and/or advertising content to the interests of a particular viewer or device user.

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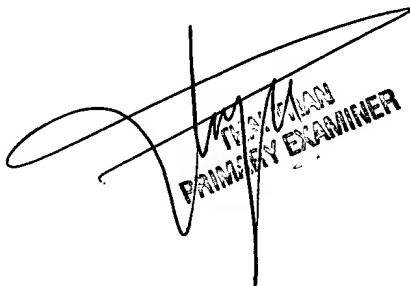
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher O. Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Acting supervisor, Thai Tran, can be reached on 703-305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


COO

9/28/04


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PRIMARY EXAMINER